

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

CYNTHIA DIANE NICHOLSON
11811 Robin Street
Los Angeles, CA 90059

Registered Nurse License No. **664673**

Respondent

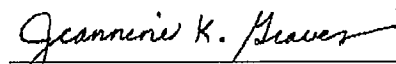
Case No. 2011-681

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **May 16, 2011.**

IT IS SO ORDERED **May 16, 2011.**



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 **In the Matter of the Accusation Against:**

Case No. 2011-681

12 **CYNTHIA DIANE NICHOLSON**
11811 Robin Street
13 Los Angeles, CA 90059
14 **Registered Nurse License No. 664673**

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 **Respondent.**

16
17 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties in this
18 proceeding that the following matters are true:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of
21 Registered Nursing. She brought this action solely in her official capacity and is represented in
22 this matter by Kamala D. Harris, Attorney General of the State of California, by Shawn P. Cook,
23 Deputy Attorney General.

24 2. Cynthia Diane Nicholson (Respondent) is representing herself in this proceeding and
25 has chosen not to exercise her right to be represented by counsel.

26 3. On or about August 29, 2005, the Board of Registered Nursing issued Registered
27 Nurse License No. 664673 to Cynthia Diane Nicholson (Respondent). The Registered Nurse
28

1 License was in full force and effect at all times relevant to the charges brought in Accusation No.
2 2011-681 and will expire on May 31, 2011, unless renewed.

3 JURISDICTION

4 4. Accusation No. 2011-681 was filed before the Board of Registered Nursing (Board),
5 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
6 and all other statutorily required documents were properly served on Respondent on February 2,
7 2011.

8 ADVISEMENT AND WAIVERS

9 5. Respondent has carefully read, and understands the charges and allegations in
10 Accusation No. 2011-681. Respondent also has carefully read, and understands the effects of this
11 Stipulated Surrender of License and Order.

12 6. Respondent is fully aware of her legal rights in this matter, including the right to a
13 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
14 her own expense; the right to confront and cross-examine the witnesses against her; the right to
15 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
16 compel the attendance of witnesses and the production of documents; the right to reconsideration
17 and court review of an adverse decision; and all other rights accorded by the California
18 Administrative Procedure Act and other applicable laws.

19 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
20 every right set forth above.

21 CULPABILITY

22 8. Respondent admits the truth of each and every charge and allegation in Accusation
23 No. 2011-681, agrees that cause exists for discipline and hereby surrenders her Registered Nurse
24 License No. 664673 for the Board's formal acceptance.

25 9. Respondent understands that by signing this stipulation she enables the Board to issue
26 an order accepting the surrender of her Registered Nurse License without further process.

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ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 664673, issued to Respondent Cynthia Diane Nicholson, is surrendered and accepted by the Board of Registered Nursing.

15. The surrender of Respondent's Registered Nurse License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

16. Respondent shall lose all rights and privileges as a Registered Nurse in California as of the effective date of the Board's Decision and Order.

17. Respondent shall cause to be delivered to the Board her pocket license and, if one was issued, her wall certificate on or before the effective date of the Decision and Order.

18. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 2011-681 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

19. Upon reinstatement of the license, Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of \$10,861. Respondent shall be permitted to pay these costs in a payment plan approved by the Board.

20. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 2011-681 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

21. Respondent shall not apply for licensure or petition for reinstatement for three (3) years from the effective date of the Board of Registered Nursing's Decision and Order.

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 2/23/11 C. Nicholson
CYNTHIA DIANE NICHOLSON
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted.
for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Dated: February 15, 2011

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
MARC D. GREENBAUM
Supervising Deputy Attorney General

SHAWN P. COOK
Deputy Attorney General
Attorneys for Complainant

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Stipulation.rtf

Exhibit A

Accusation No. 2011-681

1 KAMALA D. HARRIS
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2 MARC D. GREENBAUM
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3 SHAWN P. COOK
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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. **2011-681**

11 **CYNTHIA DIANE NICHOLSON**
12 **11811 Robin Street**
Los Angeles, CA 90059
13 **Registered Nurse License No. 664673**

A C C U S A T I O N

14 Respondent.

15
16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
19 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
20 Consumer Affairs.

21 2. On or about August 29, 2005, the Board of Registered Nursing issued Registered
22 Nurse License Number 664673 to Cynthia Diane Nicholson (Respondent). The Registered Nurse
23 License was in full force and effect at all times relevant to the charges brought herein and will
24 expire on May 31, 2011, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Registered Nursing (Board),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code unless otherwise indicated.

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1 10. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part,
2 that the Board may discipline any licensee, including a licensee holding a temporary or an
3 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
4 Nursing Practice Act.

5 11. Section 2761 of the Code states:

6 "The board may take disciplinary action against a certified or licensed nurse or deny an
7 application for a certificate or license for any of the following:

8 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

9 ...

10 "(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
11 violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice
12 Act] or regulations adopted pursuant to it.

13 ...

14 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
15 functions, and duties of a registered nurse, in which event the record of the conviction shall be
16 conclusive evidence thereof.

17 12. Section 2762 of the Code states:

18 "In addition to other acts constituting unprofessional conduct within the meaning of this
19 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
20 chapter to do any of the following:

21 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed
22 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or
23 administer to another, any controlled substance as defined in Division 10 (commencing with
24 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
25 defined in Section 4022.

26 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
27 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
28 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to

1 himself or herself, any other person, or the public or to the extent that such use impairs his or her
2 ability to conduct with safety to the public the practice authorized by his or her license.

3 "(c) Be convicted of a criminal offense involving the prescription, consumption, or
4 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
5 or the possession of, or falsification of a record pertaining to, the substances described in
6 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
7 thereof.

8 13. Section 490 of the Code provides, in pertinent part, that a board may suspend or
9 revoke a license on the ground that the licensee has been convicted of a crime substantially
10 related to the qualifications, functions, or duties of the business or profession for which the
11 license was issued.

12 14. Section 492 states:

13 "Notwithstanding any other provision of law, successful completion of any diversion
14 program under the Penal Code, or successful completion of an alcohol and drug problem
15 assessment program under Article 5 (commencing with section 23249.50) of Chapter 12 of
16 Division 11 of the Vehicle Code, shall not prohibit any agency established under Division 2
17 ([Healing Arts] commencing with Section 500) of this code, or any initiative act referred to in that
18 division, from taking disciplinary action against a licensee or from denying a license for
19 professional misconduct, notwithstanding that evidence of that misconduct may be recorded in a
20 record pertaining to an arrest."

21 "This section shall be construed to apply to any drug diversion program operated by any
22 agency established under Division 2 (commencing with Section 500) of this code, or any
23 initiative act referred to in that division."

24 15. Section 493 of the Code states:

25 "Notwithstanding any other provision of law, in a proceeding conducted by a board within
26 the department pursuant to law to deny an application for a license or to suspend or revoke a
27 license or otherwise take disciplinary action against a person who holds a license, upon the
28 ground that the applicant or the licensee has been convicted of a crime substantially related to the

1 qualifications, functions, and duties of the licensee in question, the record of conviction of the
2 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,
3 and the board may inquire into the circumstances surrounding the commission of the crime in
4 order to fix the degree of discipline or to determine if the conviction is substantially related to the
5 qualifications, functions, and duties of the licensee in question.

6 "As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and
7 'registration.'"

8 16. California Code of Regulations, title 16, section 1444, states:

9 "A conviction or act shall be considered to be substantially related to the qualifications,
10 functions or duties of a registered nurse if to a substantial degree it evidences the present or
11 potential unfitness of a registered nurse to practice in a manner consistent with the public health,
12 safety, or welfare.

13 17. Section 4060 of the Code provides in pertinent part:

14 "No person shall possess any controlled substance, except that furnished to a person upon
15 the prescription of a physician, dentist, podiatrist, or veterinarian, or furnished pursuant to a drug
16 order issued by a certified nurse midwife, . . . a nurse practitioner. . . , or a physician assistant. . ."

17 18. Health and Safety Code section 11550 (a) states in pertinent part:

18 "(a) No person shall use, or be under the influence of any controlled substance which is (1)
19 specified in subdivision (b), (c), or (e), or paragraph (1) of subdivision (f) of Section 11054,
20 specified in paragraph (14), (15), (21), (22), or (23) of subdivision (d) of Section 11054, specified
21 in subdivision (b) or (c) of Section 11055, or specified in paragraph (1) or (2) of subdivision (d)
22 or in paragraph (3) of subdivision (e) of Section 11055, or (2) a narcotic drug classified in
23 Schedule III, IV, or V, except when administered by or under the direction of a person licensed
24 by the state to dispense, prescribe, or administer controlled substances. . . ."

25 19. Health and Safety Code section 11170, states:

26 "No person shall prescribe, administer, or furnish a controlled substance for himself."

27 20. Health and Safety Code section 11173(a) provides that no person shall obtain or
28 attempt to obtain controlled substances, or procure or attempt to procure the administration of or

1 prescription for controlled substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or
2 (2) by the concealment of a material fact.

3 21. A "dangerous drug" is any drug unsafe for self-medication within the
4 meaning of section 4022 in that it requires a prescription under federal law.

5 22. Section 125.3 of the Code provides, in pertinent part, that the Board/ Registrar/
6 Director may request the administrative law judge to direct a licentiate found to have committed a
7 violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the
8 investigation and enforcement of the case.

9 23. **CONTROLLED SUBSTANCES**

10 a. "Morphine/Morphine Sulfate" ("MS") is a Schedule II controlled substance as
11 designated by Health and Safety Code sec. 11055(b)(1)(M), and is a "dangerous drug" pursuant
12 to Business and Professions Code section 4022 because it requires a prescription under federal
13 law.

14 b. "Dilaudid" is a trade name for hydromorphone, a Schedule II controlled substance as
15 designated by Health and Safety Code sec. 11055(b)(1)(K), and is a "dangerous drug" pursuant to
16 Business and Professions Code section 4022 because it requires a prescription under federal law.

17 b. "Vicodin" is a Schedule III controlled substance as defined in Health and Safety Code
18 section 11056, subdivision (b)(1), and is categorized as a dangerous drug according to Business
19 and Professions Code section 4022.

20 **FIRST CAUSE FOR DISCIPLINE**

21 **(Illegally Obtain / Possess Controlled Substance-Hydromorphone)**

22 24. Respondent is subject to disciplinary action under Sections 2750, 2761(a), 2761(d),
23 2762(a), and 4060 for unprofessional conduct, in that on or about November 17, 2009,
24 Respondent was illegally in possession of a controlled substance, to wit, hydromorphone. The
25 circumstances are as follows:

26 a. On or about May 21, 2010, pursuant to the filing of a criminal complaint in the
27 matter of *People v. Cynthia Diane Nicholson* (Super Ct. Los Angeles County, No. OSY00392)
28 Respondent was found in possession of hydromorphone, a controlled substance and dangerous

1 drug, without a valid prescription, as alleged in the underlying circumstances of the criminal
2 complaint. After pleading guilty on May 21, 2010, Respondent was convicted of one
3 misdemeanor count of violating Health and Safety Code section 11350(a) [possession of a
4 controlled substance, to wit, hydromorphone]. The Court placed Respondent in the Deferred
5 Entry of Judgment Program. The circumstances of the underlying possession of hydromorphone
6 are as follows:

7 b. On November 16, 2009 at approximately 2240 hours, Gardena Police officers
8 responded to a call of an employee disturbance at Vista Hospital of South Bay (Vista Hospital).
9 Witnesses related that at approximately 0520 hours, Respondent approached her supervisor, J.T.
10 and asked for the key to a medications cabinet where pain medication, such as morphine and
11 Dilaudid (hydromorphone) were stored, along with a controlled substance log for nursing staff to
12 record medications withdrawn for patients. Respondent told the supervisor that she had
13 administered medication to a patient and needed to review the log to see when this had been done.
14 The supervisor gave her the key and observed Respondent take the log and start writing in it.
15 Respondent refused the supervisor's direction that she stop writing in the log, and as the
16 supervisor walked closer, Respondent grabbed an unknown item from the medications cabinet
17 and placed it in her shirt pocket. When confronted by the supervisor, Respondent denied taking
18 anything from the medications cabinet.

19 c. The supervisor, J.T., viewed that the item in Respondent's pocket was Dilaudid and
20 he reached inside her pocket and removed it. Respondent immediately began pulling on the
21 supervisor's shirt and screaming, "Let me draw it." Other nursing staff responded to the fracas
22 and Respondent began grabbing at their shirts in an attempt to get the Dilaudid dosage.
23 Respondent then grabbed a tourniquet and ran into a restroom. When the supervisor, J.T., went
24 to summon the police, other staff observed Respondent exit the restroom and retrieve a packaged
25 syringe needle from the cabinet where these items were stored and then begin to walk back and
26 forth in front of the restroom before entering it. When Respondent later exited the restroom, the
27 packaged needle was not seen in her hand.

28 ///

1 d. Respondent then walked to a patient's room and began treating the patient. Staff
2 observed that Respondent was acting "weird" and exhibiting a blank stare, talking slowly and
3 softly and walking slowly.

4 e. After Gardena police officers arrived, they searched the restroom that Respondent
5 had been in and retrieved the following items from a garbage can: empty needle package, empty
6 hypodermic needle, and a red tube used to store hypodermic needles. The proper procedure for
7 disposing of used needles is to place them in a Sharps container, not a restroom garbage can.
8 While interviewing and observing Respondent, Gardena police officers formed the opinion that
9 Respondent was under the influence of CNS/Stimulants.

10 e. Subsequently, a nursing staff member at Vista Hospital, C.P., who is familiar with
11 Respondent's handwriting, reviewed the medications log that Respondent was seen writing in and
12 found the following discrepancies: the patient listed at #2 on the chart did not exist; Respondent
13 had lied about the morphine dosage of 3MG since 3MG does not exist; a count of the medication
14 revealed that one Dilaudid and one morphine dosage were missing; Respondent had written on
15 the log that 13 Dilaudid dosages had been administered, but in fact, only 12 had been
16 administered to patients.

17 f. Nursing staff person, C.P., contacted patient K.M. and asked the patient if he had
18 requested to be administered morphine, as Respondent's charting on the log indicated a dose had
19 been requested and given. Patient K.M. stated he had neither requested nor been administered a
20 dose of morphine.

21 **SECOND CAUSE FOR DISCIPLINE**

22 **(Falsification of Records Pertaining to Controlled Substances)**

23 25. Respondent is subject to disciplinary action under sections 2750, 2762, subdivision
24 (e), on the grounds of unprofessional conduct, in that on or about November 17, 2009, while on
25 duty as a registered nurse at Vista Hospital, Respondent falsified, or made grossly incorrect,
26 grossly inconsistent, or unintelligible entries in hospital, patient, or other record pertaining to
27 controlled substances for patients. The circumstances are as alleged in the preceding paragraph
28 24, and all subparts, which Complainant incorporates by reference as though fully set forth.

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1 b. M.M. printed out an activity report of medications withdrawn by Respondent as she
2 had entered into the Pyxis Medication System ("Pyxis"). The Pyxis report print out shows the
3 entry made by the nurse withdrawing a controlled substance: the date and time for each
4 medication withdrawn, the patient the drug was withdrawn for, and the type and quantity of each
5 controlled substance withdrawn. M.M. reviewed the Pyxis report for each controlled substance
6 withdrawn by Respondent and then spoke to each of the patients for whom the controlled
7 substances were ostensibly withdrawn per the Pyxis report. M.M. discovered the following
8 discrepancies in the Pyxis record made by Respondent based on her review of the report and
9 interview of the following patients, who were also interviewed by police officers:

10 c. Respondent withdrew two (2) 500 mg tablets of Vicodin at 1544 hours for patient
11 F.A. and then 8 mg morphine at 2041 hours. Patient F.A. denied that he had received any
12 medications.

13 d. Respondent withdrew 8 mg. morphine at 1554 hour, two (2) 500 mg tablets of
14 Vicodin at 1723, and then 8 mg morphine at 1928 hours for patient C.E.D. Patient C.E.D. denied
15 that he had received any medications.

16 e. Respondent withdrew two (2) 500 mg tablets of Vicodin at 1738, for patient F.W.
17 Patient F.W. denied that he had received any medications.

18 f. Nursing staff at County USC contacted Los Angeles County Police to report the theft
19 of narcotics by Respondent. Police officers arrived on August 16, 2007 at approximately 2210
20 hours. Based on their knowledge, experience and training, officers interviewing Respondent
21 formed the opinion that she was under the influence of a controlled substance, based upon
22 Respondent having constricted and glazed eyes and being unable to respond to basic questions.

23 g. The four (4) pills and two (2) syringes located inside Respondent's purse were
24 identified as four (4) 500 mg. tablets of Vicodin and two (2) syringes containing 8mg each of
25 morphine.

26 h. Toxicology lab results for Respondent taken in the ER tested positive for opiates.
27 Respondent further admitted to an ER staff physician that she had taken "psyche drugs".
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1 i. Respondent subsequently denied that she had illegally used controlled substances or
2 that she was prescribed any controlled substances. Respondent resigned from her position as a
3 registered nurse at County USC on August 17, 2007, pending the investigation of the foregoing
4 allegations.

5 **SIXTH CAUSE FOR DISCIPLINE**

6 **(Falsification of Records Pertaining to Controlled Substances-Vicodin and Morphine)**

7 29. Respondent is subject to disciplinary action under sections 2750, 2762, subdivision
8 (e), on the grounds of unprofessional conduct, in that on or about August 16, 2007, while on duty
9 as a registered nurse at County USC, Respondent falsified, or made grossly incorrect, grossly
10 inconsistent, or unintelligible entries in hospital, patient, or other record pertaining to controlled
11 substances for patients, to wit, Vicodin and morphine. The circumstances are as alleged in the
12 preceding paragraph 28, and all subparts, which Complainant hereby incorporates by reference as
13 though fully set forth.

14 **SEVENTH CAUSE FOR DISCIPLINE**

15 **(Obtaining/Possessing Controlled Substances By Fraud-Vicodin and Morphine)**

16 30. Respondent is subject to disciplinary action under section 2750, 2762, subdivision (a),
17 for violation of Health and Safety Code section 11173, subd. (a) in that she obtained or possessed
18 controlled substances, to wit, Vicodin and morphine on or about August 16, 2007, while on duty
19 as a registered nurse at County USC.. The circumstances are as alleged in the preceding
20 paragraph 28, and all subparts, which Complainant incorporates by reference as though fully set
21 forth.

22 **EIGHTH CAUSE FOR DISCIPLINE**

23 **(Illegal Use of Controlled Substance-Hydromorphone)**

24 31. Respondent is subject to disciplinary action pursuant to Sections 2750, 2761(a),
25 2761(d), 2762(b), and Health and Safety Code sections 11550 (a) and 11170 on the grounds of
26 unprofessional conduct, in that on or about August 16, 2007, Respondent used controlled
27 substances, to wit: Vicodin and morphine, and that such use was further, in a manner dangerous

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1 or injurious to herself, or others. The circumstances are as alleged in the preceding paragraph 28,
2 and all subparts, which Complainant incorporates by reference as though fully set forth.

3 **NINTH CAUSE FOR DISCIPLINE**

4 **(Illegally Obtain / Possess Controlled Substance-Morphine/Morphine Sulfate)**

5 32. Respondent is subject to disciplinary action under Sections 2750, 2761(a), 2761(d),
6 2762(a), and 4060 for unprofessional conduct, in that on or about March 26, 2008, Respondent
7 was illegally in possession of a controlled substance, to wit, Morphine/Morphine Sulfate. The
8 circumstances are as follows:

9 a. On or about March 26, 2008, Respondent was working at California Hospital
10 Medical Center (CHMC) as a registered nurse employed through a registry, where she had
11 worked since approximately March, 2006.

12 b. A narcotics audit performed by nursing staff at CHMC on March 26, 2008 revealed
13 inaccurate, inconsistent and false records as follows Morphine Sulfate 4 mg. IV was withdrawn
14 by Respondent for patient K.J. at 2315 hours and Morphine Sulfate 2 mg. IV was withdrawn by
15 Respondent for patient K.J. at 2315 hours, according to the Controlled Drug Disposition Record
16 entries made by Respondent. However the medical record for patient K.J. does not include any
17 physician order for such dispensing of the foregoing controlled substances, or any record that they
18 were in fact administered to patient K.J.

19 **TENTH CAUSE FOR DISCIPLINE**

20 **(Falsification of Records Pertaining to Controlled Substances-Morphine/Morphine Sulfate)**

21 33. Respondent is subject to disciplinary action under sections 2750, 2762, subdivision
22 (e), on the grounds of unprofessional conduct, in that on or about March 26, 2008, while on duty
23 as a registered nurse at CHMC, Respondent falsified, or made grossly incorrect, grossly
24 inconsistent, or unintelligible entries in hospital, patient, or other record pertaining to a controlled
25 substance for patients, to wit, Morphine/Morphine Sulfate. The circumstances are as alleged in
26 the preceding paragraph 32, and all subparts, which Complainant hereby incorporates by
27 reference as though fully set forth.

28 ///

ELEVENTH CAUSE FOR DISCIPLINE

(Obtaining/Possessing Controlled Substances By Fraud-Morphine/Morphine Sulfate)

34. Respondent is subject to disciplinary action under section 2750, 2762, subdivision (a), for violation of Health and Safety Code section 11173, subd. (a) in that she obtained or possessed a controlled substance, to wit, Morphine/Morphine Sulfate, on or about March 28, 2008, while on duty as a registered nurse at CHMC. The circumstances are as alleged in the preceding paragraph 32, and all subparts, which Complainant incorporates by reference as though fully set forth.

PRAYER

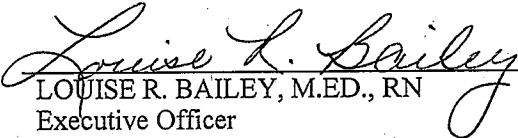
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 664673, issued to Cynthia Diane Nicholson;

2. Ordering Cynthia Diane Nicholson to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: 2/2/11


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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